S.B. CIVIL MISC. APPEAL NO.276/2004

Smt. Ajjan Kanwar

vs

Smt. Gopi Bai & Ors.

DATE OF ORDER : 18.12.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr.RS Mankad, for the appellant.
Mr.KK Bissa]
Mr.BS Mertia], for the respondents.

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Heard learned counsel for the parties.

An application for grant of succession certificate was submitted by appellant-applicant Smt. Ajjan Kanwar Wd/o Late Shri Vijay Singh wherein 10 parties were impleaded as non-applicants. After contest, the appellant's Smt. Ajjan Kanwar's application for grant of succession certificate was rejected and counter claim submitted by one of the non-applicants Smt. Gopi Bai was allowed. The above order of the trial court dated 15th Dec., 2003 has been challenged by preferring this appeal.

During the pendency of this appeal, the matter has been settled between the parties and a written compromise has been submitted by all the parties before this Court on 17th Dec., 2007, which has been duly verified by the Registrar (Admn.), Rajasthan High Court, Jodhpur.

Learned counsel for all the parties submit that in terms of the said compromise, a succession certificate may be issued.

Since all the parties have admitted rights and share of

the parties in compromise with respect to the properties of deceased Vijay Singh, therefore, appeal deserves to be allowed, hence allowed and the order of the court below dated 5.12.2003 is set aside. It is held that the appellant-applicant Smt. Ajjan Kanwar shall be entitled to receive Rs.2,50,000/- from the amount of PF and gratuity of deceased Vijay Singh. From 17th Dec., 2007 onwards the pension, family pension and other benefits of service of deceased Vijay Singh will be available to the respondent no.1 Gopi Bai. The succession certificate be issued to this effect in accordance with law.

(PRAKASH TATIA), J.

c.p.goyal/-